

STANDARD APPLICATION  
Harford County  
Board of Appeals

Bel Air, Maryland 21014

NOV 1 2004

Case No. 5460  
Date Filed 11/10/04  
Hearing Date \_\_\_\_\_  
Receipt 450  
Fee \$ 450

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☒ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code \_\_\_\_\_

CASE 5460 MAP 55 TYPE Variance

ELECTION DISTRICT 03 LOCATION 2313 Cheyenne Ave., Joppa, 21085

BY Charles and Paulette Romano, 2313 Cheyenne Ave., Joppa

Appealed because a variance pursuant to Section 267-35B, Table III of the Harford

County Code to permit an addition to encroach the minimum 50' front yard setback

(37' proposed) in the RR District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name CHARLES A. ROMANO Phone Number 410 877-2448  
Address 2313 CHEYENNE AVE JOPPA MD 21085  
Street Number Street City State Zip Code

Co-Applicant PAULETTE T. ROMANO Phone Number 410-877-2448  
Address 2313 CHEYENNE AVE JOPPA MD 21085  
Street Number Street City State Zip Code

Contract Purchaser SELF Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative NONE Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 2313 CHEYENNE AVE  
JOPPA MARYLAND 21085

Subdivision INDIAN PRINCESS Lot Number 1

Acreage/Lot Size 43/247 X 205 Election District 03 Zoning RR

Tax Map No. 55 Grid No. 4E Parcel 6046 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: \_\_\_\_\_

Estimated time required to present case: \_\_\_\_\_

If this Appeal is in reference to a Building Permit, state number \_\_\_\_\_

Would approval of this petition violate the covenants and restrictions for your property? \_\_\_\_\_

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No ☒

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No ☒

## Request

addition for bedrooms - Encroaching - on front yard  
set-back

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Justification

ONE OF THE SMALLEST HOMES IN OUR SUBDIVISION  
ONE OF TWO HOMES THAT HAVE A 57ft set-back - all others HAVE 40ft  
HOME LOCATED ON TWO CORNERS - HAVE TWO FRONTS  
HOME DOES NOT SET SQUARE ON PROPERTY LOT - ONLY ONE CORNER OF  
HOME FALLS WITHIN SET BACK ALLOWANCE - PROHIBITING us TO ADD-ON WITHOUT  
CAN NOT ADD ON OTHER SIDE OF HOME BECAUSE OF DRIVEWAY VARIANCE  
CAN NOT ADD ON BACK OF HOME BECAUSE OF SEPTIC

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

CAN NOT ADD ON FRONT OF HOME SAME VARIANCE PROBLEMS.



**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION

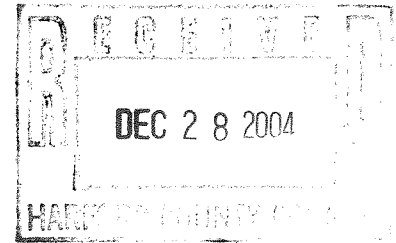


**J. STEVEN KALL-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

December 6, 2004



### STAFF REPORT

#### **BOARD OF APPEALS CASE NO. 5460**

APPLICANT/OWNER: Charles A. and Paulette T. Romano  
2313 Cheyenne Avenue, Joppa, Maryland 21085

Co-APPLICANT/OWNER: Paulette T. Romano  
2313 Cheyenne Avenue, Joppa, Maryland 21085

REPRESENTATIVE: Applicants

LOCATION: 2313 Cheyenne Avenue – Indian Princess  
Tax Map: 55 / Grid: 4E / Parcel: 646 / Lot: 1  
Election District: Third (3)

ACREAGE: 1.36± acres.

ZONING: RR/Rural Residential

DATE FILED: November 10, 2004

HEARING DATE: January 12, 2005

#### **APPLICANT'S REQUEST and JUSTIFICATION:**

##### Request:

“Addition for bedrooms – encroaching on front yard setback”.

*Preserving our values, protecting our future*

## STAFF REPORT

Board of Appeals Case Number 5460

Charles & Paulette Romano

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### Justification:

“One of the smallest homes in our subdivision. One of two homes that have a 57-foot setback, all others have 40-foot. Home located on two corners and has two fronts. Home does not set square on property lot. Only one corner of home falls within setback allowance, prohibiting us to add on without a variance. Cannot add on other side of home because of driveway. Cannot add on back of home because of septic. Cannot add on front of home same variance problems.”

### **CODE REQUIREMENTS:**

The Applicants are seeking a variance pursuant to Section 267-35B, Table III of the Harford County Code to permit an addition to encroach the minimum 50-foot front yard setback (37-feet proposed) in the RR/Rural Residential District.

Enclosed with the report is a copy of Section 267-35B, Table III of the Harford County Code (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The Applicants' property is located east of Mountain Road (MD Route 152) in the Development of Indian Princess. It is situated on the southwest corner of Cheyenne Avenue and Rosemont Drive. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. It is in the Rural Residential designation to the south of MD Route 1. The predominant land use designations in this area include High Intensity (along the Route 1 corridor), Agricultural and Rural Residential. The Natural Features Map reflects areas of Agricultural Preservation Districts and Easements and stream systems. The subject property is designated as Rural Residential on the 2004 Land Use Map, which is defined by the Master Plan as:

**Rural Residential** – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

## STAFF REPORT

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Charles & Paulette Romano

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### Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. There are areas of Agriculture that includes cropland, pastureland and dense areas of woodland. There are also several single-family residential developments in the area. Other land uses include parks and churches. Commercial uses are generally located along the Route 1 corridor to the north. Enclosed with the report is copy of the aerial photograph (Attachment 6).

The Applicants' property is located in the development of Indian Princess situated on the east side of Mountain Road (MD 152) and north of Old Joppa Road. The subject lot is in section 1 of Indian Princess and was recorded in late 1961 (Attachment 7). The area labeled as reserved by owner on the record plat was eventually conveyed to the Applicants' property as additional lands and not as a separate building lot. The lot has frontage on the eastside of Mountain Road (MD Route 152), the south side of Cheyenne Avenue and the west side of Rosemont Drive. The improvements consist of a 1 story block and frame L-shaped single-family dwelling with a covered front porch, a detached 2-car block and frame garage located to the right and rear of the dwelling, and a blacktopped driveway. The dwelling is located on an angle on the lot facing the intersection of Cheyenne Avenue and Rosemont Drive. The well is located just to the rear of the dwelling and the septic to the front. The topography of the property ranges from level to gently slopping. The property and improvements are well maintained and the property is nicely landscaped and contains numerous mature trees. Enclosed with the report is a copy of the topography map, an enlargement of the aerial photograph, and site photographs (Attachments 8, 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in the area are AG/Agricultural and RR/Rural Residential. Commercial zoning is limited to the area on Route 1 to the north. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the zoning map (Attachment 11).

### **SUMMARY:**

The Applicants are seeking a variance pursuant to Section 267-35B, Table III of the Harford County Code to permit an addition to encroach the minimum 50-foot front yard setback (37-feet proposed) in the RR/Rural Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

## STAFF REPORT

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Charles & Paulette Romano

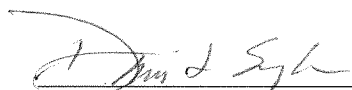
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This Department finds that the subject property is unique. The Applicants' dwelling is one of the smallest dwellings in the immediate community, and the proposed additions will be compatible with the other dwellings in the neighborhood. Due to the layout of the dwelling, the additions are proposed in the only practical locations. The two lots at the intersection of Cheyenne Avenue and Rosemont Drive are the only lots recorded with a 50-foot setback. The other lots only have a 40-foot minimum building setback. Even if the plats were re-recorded, reducing the minimum building setback to 40-feet, a variance is still required for a small corner of the addition. The buildable area of the site is constrained by the angle at which the dwelling was placed on the lot, the location of the well immediately to the rear of the dwelling, and the position of the septic system to the front of the lot. The proposal will have no adverse impact on traffic, adjacent properties or the intent of the code.


### **RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections.
2. The Applicants shall provide landscaping between the addition and the two roads.
3. The Applicants shall submit a landscaping plan to the Department of Planning and Zoning for approval prior to application for a building permit.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf